

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

COMMUTER RAIL DIVISION OF THE)
REGIONAL TRANSPORTATION)
AUTHORITY D/B/A/ METRA and THE)
COALITION TO STOP CPKC,)

Petitioners,)

v.)

SURFACE TRANSPORTATION BOARD)
and UNITED STATES OF AMERICA,)

Respondents.)

Case Nos. 23-1165 & 23-1274
(Consolidated)

**METRA’S UNOPPOSED MOTION TO MODIFY THE BRIEFING
SCHEDULE**

Petitioner Commuter Rail Division of the Regional Transportation Authority d/b/a/ Metra (“Metra”), pursuant to Fed. R. App. P. 26(b), respectfully requests that the briefing schedule in this case be extended by approximately thirty-nine days, which would result in a modified briefing schedule as described below. Counsel for Metra has consulted with counsel for the other parties and none oppose this request.

On April 8, 2024, the Court approved the following briefing schedule in this matter:

1. Respondents' Brief is due on June 3, 2024.
2. Intervenor's Brief is due on June 20, 2024.
3. Petitioners' Reply Briefs are due on July 26, 2024.
4. Deferred Appendix is due on August 9, 2024.
5. Final Briefs are due on August 27, 2024.

The requested extension would result in a revised schedule as follows:

1. Respondents' Brief would be due on July 12, 2024.
2. Intervenor's Brief would be due on July 29, 2024.
3. Petitioners' Reply Briefs would be due on August 30, 2024.
4. Deferred Appendix would be due on September 13, 2024.
5. Final Briefs would be due on September 30, 2024.

There is good cause for this request. Metra and Intervenor Canadian Pacific Kansas City Limited ("CPKC") have begun discussions that could lead to a resolution of Metra's claims in this proceeding. If successful, those discussions could lead to a substantial reduction in the issues to be briefed by the parties and presented to the Court. An extension would allow Metra and CPKC to attempt to reach an agreement without also having to prepare potentially unnecessary briefs. No party would be prejudiced by this extension.

Metra, without opposition, respectfully requests that the Court extend the briefing schedule in this matter as identified above.

/s/ W. Eric Pilsk

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Date: May 21, 2024

**CERTIFICATE OF COMPLIANCE WITH LENGTH LIMITATION AND
TYPEFACE AND TYPE-STYLE REQUIREMENTS**

This document complies with the word limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 285 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word and Times New Roman font, size 14.

/s/ W. Eric Pilsk
W. Eric Pilsk

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2024, I caused a true and correct copy of the foregoing Unopposed Motion to Modify the Briefing Schedule to be served by ECF on all parties who have appeared in this case.

/s/ W. Eric Pilsk
W. Eric Pilsk